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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,709	08/21/2000	Tsutomu Niwa	36595:165795	8841

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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER
BROCKETTI, JULIE K

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/641,709	Applicant(s) NIWA, TSUTOMU PR
	Examiner Julie K Brocketti	Art Unit 3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman, U.S Patent No. 4,624,459 in view of Ishibashi, U.S. Patent No. 5,695,188. Kaufman discloses a slot machine. The machine comprises shift and display means for shifting and displaying a plurality of rows. Each row having a plurality of symbols (Fig. 1). The game has a notifying means for notifying a game player of information including a current notifying state such as the display of symbols forming the gaming result. The game also includes a subsequent notifying state determining means for determining and selecting in advance the subsequent notifying states in the current game based on the current notifying state that is informed to the player by the notifying means (col. 1 lines 51-67). For example, the player is notified of the current game state through the display of the combination of symbols after the reels have stopped. Based on whether or not this is a winning combination, the player is then informed of a multiple payout by the multiple payout indicator, i.e.

subsequent notifying state. Consequently, the notifying information is correspondent to specified prize-winning state determined by the prize-winning state determining means at a predetermined probability. The prize-winning state could be a big or medium winning state (col. 3 lines 33-42). Kaufman discloses a token acceptor (col. 2 lines 51-52). It would have been obvious to have the notifying means operative to notify the game player of the notifying state determined by the subsequent notifying state determining means when a the current or subsequent game starts with a game medium inserted into the token accepting slot. Most games are started with the deposit of coins into a slot; consequently, it is obvious to start notifying players of their winnings once the game has been started. It would also have been obvious to have the current notifying state be identical to the subsequent notifying state and to continue to notify the game player of the identical notifying state without interruption. For example, if a player wins 1 game and then has to win 1 more to get the multiple payout. The multiple payout indicator could be displayed during both games so that players are always informed that one more win will deliver a larger prize. Kaufman further discloses that the notifying states are respectively indicated by numbers. For example, each display of symbols is associated with a random number (Fig. 2). A storage means stores variation values showing the relationship between the current notifying state and the subsequent notifying state whereby the subsequent notifying state determining means is operative to determine and select the subsequent notifying states with

reference to a variation value selected by a lottery operation from among said variation values stored in the storage means (col. 1 lines 64-67; col. 2 lines 1-17). For example, the variation value can be the number of wins that are needed to generate a multiple payout. Consequently, subsequent notifying states are determined based on the number of wins needed for a multiple payout.

Ishibashi teaches of a gaming machine that determines a winning prize state based on a random number lottery. Stop control means control the stop of the reels based on the predetermined prize winning state (See Ishibashi col. 5 lines 35-48, 60-65; col. 8 lines 20-43). It would have been obvious at the time the invention was made to select the winning prize state by a random number lottery. It is well known throughout the art to use random numbers for selection of game outcomes. By randomly selecting a number, the game can be fair to all players. Ishibashi also teaches of a second notifying means in the form of sound. Sounds are used to notify a game player of notifying information in a current notifying state. The sounds are determined and selected in advance for broadcast to a player (See Ishibashi col. 8 lines 4-13). It would have been obvious at the time the invention was made to have a second notifying means so that players would clearly know the results of the prize.

Response to Amendment

It has been noted that the specification has been amended. New claim 9 has been added.

Response to Arguments

Applicant's arguments, filed March 5, have been fully considered but are not persuasive.

The Applicants arguments in regards to the 35 U.S.C. 112 rejections are persuasive therefore, that rejection has been withdrawn.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a regular game, regular game in RB inner winning operation, and regular game in BB inner winning operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner notes that the claims are written in a very confusing manner. Specifically the word "notifying" and "notification" are used too much in trying to write the claims. The Examiner also notes that the claims are given their broadest interpretation. It is acknowledged that Kaufman might not describe Applicant's exact invention; however, giving the claims their broadest interpretation; Kaufman in view of Ishibashi clearly teaches the claimed invention. The Examiner also wants to point out that the word "notifying

means" is very vague and can include a variety of ways to inform a person of information.

The Applicant argues that Kaufman does not notify a game player of the multiple payout indication until the difference between the win counter and the multiple payout random number reaches the predetermined value. Even if the this is true, it does not prevent Kaufman from having "subsequent notifying state determining means for determining and selecting in advance said subsequent notifying states in said current game on the basis of said current notifying state to be informed by said notifying means". Because, when the difference in the win counter and the multiple payout random number reaches the predetermined value the aforementioned limitation does occur.

The Applicant also argues that Ishibashi lacks in disclosing the "notifying information in notifying states including a current notifying state and subsequent notifying states following said current notifying state" nor "the notification means for notifying a game player of notifying information in notifying states including a current notifying state and subsequent notifying states following said current notifying state, while the game player is enjoying games including a current game and subsequent games following said current game; and subsequent notifying state determining means for determining and selecting in advance said subsequent notifying states in said current game on the basis of said current notifying state to be informed by said notifying

means." The Examiner agrees that Ishibashi does not teach these features. However, Kaufman teaches all of these limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brocketti whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or

proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-5648.

JB
March 13, 2003

MICHAEL O'NEILL
PRIMARY EXAMINER